

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

RONALD STAFFORD	§	
VS.	§	CIVIL ACTION NO. 1:04cv49
OFFICER GUNTHER, ET AL	§	

MEMORANDUM ORDER PARTIALLY ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Ronald Stafford, proceeding *pro se*, filed the above-styled civil rights lawsuit against Officer Gunther, Warden R.D. Miles, Lieutenant Dotson and Captain Fauver.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends this action be dismissed for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence.

Plaintiff did not file any objections to the Report and Recommendation. However, plaintiff did file a motion asking that his lawsuit be voluntarily dismissed. Plaintiff is entitled to voluntarily dismiss his lawsuit prior to the service of any adverse parties. FED. R. CIV. P. 41(a)(1).

O R D E R

Accordingly, plaintiff's motion for voluntary dismissal is hereby **GRANTED**. The report of the magistrate judge is partially **ADOPTED** with regards to dismissing this action. A final judgment will be entered dismissing this case without prejudice pursuant to Rule 41(a)(1).

SIGNED at Beaumont, Texas, this 19th day of October, 2005.

A handwritten signature in cursive script, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE